

# SAYS ROFRANO AD WAS PLEDGED HIM

## Montimagno Swears Two Lawyers Told Him to Keep His Mouth Shut

Spectators at the murder trial of Michael A. Rofrano were again startled yesterday by a statement made by Gaetano Montimagno. The undersized death house prisoner, who on Monday stirred the courtroom with his testimony that before his trial, in May, 1915, he had told his lawyers, ex-Assemblyman Caesar B. F. Barra and Gerard Cuoco, he had murdered Rofrano's political foe, declared yesterday that the attorneys had ordered him to keep his mouth shut. This was, he charged, because Rofrano was "working day and night" to get witnesses to say he had not killed Michael Giamari.

"It would be unprofessional for me to comment on what Montimagno has said beyond reiterating that it is an unqualified lie," said Mr. Barra last night. "It won't alter my plan to call Mr. Barra and Mr. Cuoco to refute Montimagno's testimony that he ever told this story of being drugged and intimidated by Rofrano before he told it to this jury the other day," asserted Martin W. Littleton, counsel for Rofrano, who first brought up the subject.

### Told Lawyers in Prison

"When did you first tell Mr. Barra and Mr. Cuoco you were guilty?" asked Assistant District Attorney Brothers yesterday on re-direct examination.

"The first time they came to see me in the West Side prison, a month and a half before my trial," said Montimagno. "That was after Judge Palmeri was my lawyer. I told them I shot Michael Giamari and I told them who made me do it."

"What did they say?"

"Mr. Barra said: 'Listen, Montimagno, do you want to go free?' I said: 'Yes.' He said: 'You keep your mouth shut. Don't talk to anybody. Tell your companions, Frank Fennimore and Rex Cornell, to say nothing, and they will get out, too.' He said Joe Brondini would get witnesses to say I was innocent, so we would go free. He said Rofrano was working day and night to arrange it so I would go free."

"I asked: 'Why is it every day that they put me in the line-up?' 'Shut up; keep silent,' he said. 'This is the work of the District Attorney to scare you, but when the trial comes nobody will come to the front.' Then he told me Rofrano had paid all the persons who had seen me near the shooting so that they would go away."

"Then Mr. Cuoco the next time I saw him, two days later, said: 'Brondini has brought witnesses who will testify you did not do the shooting.' I said: 'How about Pauline Samuels? Will she say she did not see me at her house in Brooklyn?' He said to me: 'Keep silent, because the other what we have to do to get you out.'"

### Asks About Bartender

Montimagno, unappeased, asked Mr. Cuoco about the bartender in the saloon where he dropped the overcoat he was wearing on the night of the murder, he continued.

"Mr. Cuoco said to me: 'Be silent. Rofrano has many friends and will fix everything,' he declared the witness.

"Did either Mr. Barra or Mr. Cuoco write down anything? Then you said you had written down everything to do with the murder?" Mr. Barra inquired.

Montimagno swore they had not. No stenographer had been present at the conversations, he added.

"Did you ever tell the District Attorney about these conversations with Mr. Barra or Mr. Cuoco before you took the stand?" asked Mr. Littleton. Montimagno replied that he had not.

The slayer of Giamari was followed by Louis Miro, the only corroborating witness for the people to the alleged murder conference who is not an accomplice. Miro is also the only material witness who is not a convict. He said he knew all the accomplices in the case, and testified to having gone to the home of Joseph Brondini, in Brooklyn, about two or three weeks before the murder. He said he saw Rofrano talking with Montimagno, and Miro was the third witness to identify Rofrano in the trial, Montimagno and Joe La Salle having eagerly pointed him out. Miro left the stand and walked dramatically to the opposite side of the table, where the defendant sat, and placed his right hand on Rofrano's shoulder. Rofrano glared at his accuser, but otherwise displayed no emotion.

# AUTO THEFT "VICTIM" CONFESSES STEALING

## Ward Promises to Find Cars He Purloined

John A. Ward, of 14 East Eighty-second Street, who walked into a dilemma Monday when he called at the 4th Branch Detective Bureau to report his motor stolen and learned it had been found and claimed by Courtland Emden, of the St. Andrew Hotel, confessed yesterday that he had stolen not only Emden's car, but a dozen others. After he had been held in \$5,000 bail on a charge of grand larceny in the West Side court, Ward was sent out with detectives, whom he promised to lead to some of the stolen machines.

A night in a cell had resulted in the disappearance of Ward's cocksureness. His air had been such that the police had certain misgivings when they looked him up, even though two other state licenses that he held to the car in question had been found in his pocket. The machine, he insisted, had been bought by him in Boston.

Miss Helen Lowenstein, of 202 Riverside Drive, a friend of Emden, had recognized it in the street, consulted chauffeurs standing nearby, hopped in and driven away to get Emden and the police—all in a minute or two of Ward's absence.

# UNION ASKS WHITMAN TO END CAR STRIKE

## Traction Investigation to Follow, Leaders Say

The striking streetcar men have appealed to Governor Whitman to help in ending the strike. A telegram signed by presidents of the eight local unions was sent last night. Strike leaders say an investigation of the financial condition of the traction companies may come out of the present tangle. They also express surprise at the continued failure of the State Industrial Commission to interest itself in the trouble.

John A. Moffitt and James A. Smyth, of United States Secretary of Labor Wilson's staff, assured the strike leaders, so the leaders say, that attention would be given to the streetcar strike this week. Neither Moffitt nor Smyth was heard from last night and the strikers decided to ask help of Governor Whitman.


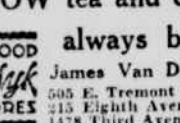
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Rotary Talk No. 34 will appear in The Globe Wednesday, November 1, 1916.

Rotary Club Headquarters, Hotel Imperial, Broadway at 82d Street.

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